



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

PLANNING DEPARTMENT

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MEMORANDUM

TO: Rapid City Planning Commission

FROM: Bill Lass, Senior Planner

DATE: 10/31/01

RE: Used Merchandise Sales

Staff is requesting direction from the Planning Commission regarding the issue of used merchandise sales. Staff has been contacted by an individual who wishes to open a used merchandise store in the General Commercial Zoning District. Currently, the General Commercial Zoning District does not allow used merchandise sales other than in three very specific instances. (1) Section 17.18.020 of the Zoning Ordinance states that "The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted." This means that the primary use of the property must be for new merchandise sales in order that used merchandise sales can also take place. (2) "Antique and used furniture, including stripping and refinishing, provided there is no outside storage or display or merchandise" is allowed as a Use on Review; and, (3) "Indoor craft and flea markets, provide there is no outside storage or display of merchandise" is allowed as a Use on Review.

Staff has noted that the only Zoning District in which used merchandise sales can occur as the principal use of the property as a Permitted Use is the Central Business District. Furthermore, Staff has noted that there are some used merchandise stores in existence now that are illegal nonconforming uses according to the Zoning Ordinance. These establishments received building permits in the late 1980's perhaps due to confusion over the proposed use of the properties. Additionally, there are numerous pawn shops in existence already but which could be construed to be conforming uses if treated as "financial institutions" under the Zoning Ordinance.

Staff believes that retail sales of used merchandise should be allowed in the General Commercial Zoning District. From a land use perspective, there is no substantial difference between retail sales of new versus used merchandise. The one possible area of concern relates to outside storage of products which can be visually unappealing and pose other nuisances. **Staff is recommending that the Planning Commission authorize amendments to the Zoning Ordinance allowing used merchandise sales with no outside storage as a Permitted Use in the General Commercial Zoning District.**

Thank you.

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